



COUNCIL MINUTES

for the meeting

Tuesday 16 July 2019

in the Council Chamber,
Adelaide Town Hall



Present - Deputy Lord Mayor (Councillor Abiad) (Presiding);
Councillors Abrahamzadeh, Donovan, Hou, Hyde, Khera, Knoll,
Moran and Simms.

Acknowledgement of Country

At the opening of the Council Meeting, the Deputy Lord Mayor stated:

'Council acknowledges that we are meeting on traditional Country of the Kurna people of the Adelaide Plains and pays respect to Elders past and present. We recognise and respect their cultural heritage, beliefs and relationship with the land. We acknowledge that they are of continuing importance to the Kurna people living today.

And we also extend that respect to other Aboriginal Language Groups and other First Nations who are present today.'

Acknowledgement of Colonel William Light

The Deputy Lord Mayor stated:

'The Council acknowledges the vision of Colonel William Light in determining the site for Adelaide and the design of the City with its six (6) squares and surrounding belt of continuous Park Lands which is recognised on the National Heritage List as one of the greatest examples of Australia's planning heritage.'

Apologies and Leave of Absence

Apology:

The Right Honourable the Lord Mayor [Sandy Verschoor].

On Leave:

Councillors Couros and Martin.

Confirmation of Minutes

1. Item 4 - Confirmation of Minutes – 25/6/2019 & 2/7/2019 [C]

Moved by Councillor Simms,
Seconded by Councillor Knoll –

That the Minutes of the meeting of the Council held on 25 June 2019, and the Special meeting of the Council held on 2 July 2019, be taken as read and be confirmed as an accurate record of proceedings.

Carried

Deputations

2. Item 5.2 – Dr Alice Clark – Shelter SA Make Renting Fair project [C]

Dr Alice Clark addressed the Council to:

- Request support for Councillor Simms' Motion on Notice regarding the Shelter SA Make Renting Fair Project.

The Deputy Lord Mayor thanked Dr Alice Clark for her presentation.

3. **Item 5.1 – Deputation - Mr Darcy Lunn – United Nations Global Goals for Sustainable Development [C]**

Mr Darcy Lunn addressed the Council to:

- Speak about the United Nations Global Goals for Sustainable Development.

The Deputy Lord Mayor thanked Mr Darcy Lunn for his presentation.

Petitions

4. **Petitions [2018/04073] [C]**

Discussion ensued

It was then -

Moved by Councillor Moran,
Seconded by Councillor Simms –

That Items 6.1, 6.2, 6.3 and 6.4 on the Agenda for the meeting of the Council held on 16 July 2019 be adopted namely:

Item 6.1 – Petition - Changes to Parking Regulations - Bower Street, North Adelaide [2018/04073] [C]

THAT COUNCIL

1. Notes the petition containing 12 signatories, distributed as a separate document to Item 6.1 on the Agenda for the meeting of the Council held on 16 July 2019, requesting residential and visitor parking only and a 15kph speed limit on Bower Street, North Adelaide.

Item 6.2 – Petition - Parking in the Western Section of North Adelaide [2018/04073] [C]

THAT COUNCIL

1. Notes the petition containing 82 signatories, distributed as a separate document to Item 6.2 on the Agenda for the meeting of the Council held on 16 July 2019, requesting that the City of Adelaide incorporate amendments to the parking restrictions on Molesworth Street, Hill Street, Mills Terrace and Barnard Street in North Adelaide.

Item 6.3 – Petition - Stop Proposed Parking Changes in Childers Street, North Adelaide [2018/04073] [C]

THAT COUNCIL

1. Notes the petition containing 20 signatories, distributed as a separate document to Item 6.3 on the Agenda for the meeting of the Council held on 16 July 2019, requesting that the proposed parking changes in Childers Street, North Adelaide not go ahead.

Item 6.4 – Petition – North Adelaide Parking Changes [2018/04073] [C]

THAT COUNCIL

1. Notes the petition containing 14 signatories, distributed as a separate document to Item 6.4 on the Agenda for the meeting of the Council held on 16 July 2019, objecting to the proposed changes to parking conditions in William Buik Court and requesting that the current parking conditions be retained.

Carried

Report of The Committee and Advice/Recommendation from Other Committees

5. **Item 7.1 - Recommendations of The Committee – 2/7/2019 [2018/04062] [C]**

The Deputy Lord Mayor advised the meeting that each recommendation would be dealt with separately.

Councillor Donovan disclosed a material conflict of interest in Item 7.1, Recommendation 1 [Greening Award Winners – background information], pursuant to Sections 73 & 74 of the Local Government Act 1999 (SA), on the basis that she is a resident of one of the streets involved in the awards, withdrew her Chair and left the Council Chamber at 6.17pm.

Councillor Khera disclosed a perceived conflict of interest in Item 7.1, Recommendation 1 [Greening Award Winners – background information], pursuant to Sections 75 & 75A of the Local Government Act 1999 (SA), on the basis that he knows one of the participants however that this wouldn't implicate him nor the decision and advised the meeting of his intention to remain in the Council Chamber, participate in the debate and vote.

It was then -

Moved by Councillor Moran,
Seconded by Councillor Hyde -

Recommendation 1 - Greening Award Winners – background information

That Council

1. Notes the report and the background information relevant to the 2018-19 Greening Awards contained in Attachment A to Item 7.1 on the Agenda for the meeting of The Committee held on 2 July 2019.

Carried

Councillor Khera voted in favour of the motion

Councillor Donovan re-entered and Councillor Moran left the Council Chamber at 6.18pm.

It was then -

Moved by Councillor Simms,
Seconded by Councillor Hou -

Recommendation 2 - Communication in Other Languages

That Council:

1. Approves a three-month trial in which the City of Adelaide's Customer Centre will offer a free face-to-face translation service in Mandarin, with a view to assisting Adelaide's residents, businesses and visitors with Council services on a rostered basis.
 - 1.1 The trial will provide a translation service in Mandarin, available at certain days/times per week, for a three-month period.
 - 1.2 Information will be gathered about the service usage, and at the end of the trial period a report will be provided to Council with findings and a recommendation for future options.

Carried

Councillor Moran re-entered the Council Chamber at 6.19pm.

It was then -

Moved by Councillor Abrahamzadeh,
Seconded by Councillor Knoll -

Recommendation 3 - Community Consultation Policy

That Council:

1. Adopts the updated Community Consultation Policy as detailed in Attachment A to Item 7.3 on the Agenda for the meeting of The Committee held on 2 July 2019.

Carried

It was then -

Moved by Councillor Simms,
Seconded by Councillor Donovan -

Recommendation 4 - Proposals for multi-year event licences (2019-2024)

That Council:

1. Notes that all proposals for multi-year event licences as stated below are subject to the event management approaches as included in Attachment A to Item 7.4 on the Agenda for the meeting of The Committee held on 2 July 2019 and all necessary documentation being provided to execute the event licence.
2. Approves to grant a five year event licence to:
 - 2.1. Adelaide Horse Trials Management Inc for the use of Rymill Park/Murlawirrapurka (Park 14), Victoria Park/Pakapakanthi (Park 16) and King Rodney Park/Ityamai-itpina (Park 15) for the Mitsubishi Motors Australian International 3 Day Event from 2019-2023.

- 2.2. Enventive Incorporated for the use of Red Gum Park/Karrawirra (Park 12) and Pinky Flat for Corporate Cup from 2019-2023.
- 2.3. Catholic Church Endowment Society for the use of Veale Park/Walyu Yarta (Park 21) for the Marian Procession from 2020-2024.
3. Approves to grant a three year event licence to:
 - 3.1 Adelaide Festival Centre Trust for the use of the Adelaide Riverbank Lawn (Barr Smith Walk) for the Lucky Dumpling Market from 2019-2021.
 - 3.2 Cheesefest Australia Pty Ltd for the use of Rymill Park/Murlawirrapurka (Park 14) for Cheesefest&FERMENT from 2019-2021.
 - 3.3 Enventive Incorporated for the use of Peace Park for the Mother's Day Classic from 2020-2022.
 - 3.4 Skating At Pty Ltd for the use of Victoria Square/Tarntanyangga (South) for Skating At Victoria Square from 2020-2022.
 - 3.5 Hutt St Centre for the use of Victoria Park/Pakapakanthi (Park 16) and Peppermint Park/Wita Wirra (Park 18) for Walk a mile in my boots from 2019-2021.
4. Approves to grant a three year event licence with the option of a two-year extension to:
 - 4.1 L&W Entertainment Productions Pty Ltd for the use of Hindmarsh Square/Mukata for Cirque Africa from 2020-2024.
5. Approves to grant a five year event licence to Any Excuse... Pty Ltd for Vegan Festival from 2019-2023.
6. Approves that the granting of the above as outlined in paragraph 5 involves Vegan Festival being delivered in Rundle Park/Kadlitpina (Park 13) in 2019 with a hold on both Rundle Park/Kadlitpina (Park 13) and Victoria Square/Tarntanyangga (North) until 31 January 2020.
7. Authorises delegation to the Chief Executive Officer or delegate to finalise the site location for Vegan Festival (Rundle Park/Kadlitpina (Park 13) or Victoria Square/Tarntanyangga(North) for the remainder of their multi-year event licence, noting that this finalisation would occur by 31 January 2020.
8. Authorises delegated authority to the Chief Executive Officer or delegate to negotiate and finalise all multi-year event licence agreements over the term of the multi-year event licences (Refer paragraph 47 of Item 7.4 on the Agenda for the meeting of The Committee held on 2 July 2019).
9. Approves the request from the organisers of Glendi Greek Festival's for the closure of Reconciliation Plaza as part of their event for the remainder of the life of their multi-year event licence, as per their event management approaches as detailed in Attachment A to Item 7.4 on the Agenda for the meeting of The Committee held on 2 July 2019.
10. Approves the amendment of the existing multi-year event licence with Adelaide Festival Corporation for the Adelaide Festival Hub to include concerts as part of the Adelaide Festival Hub for the remainder of the life of their multi-year event licence, as per their event management approaches as detailed in Attachment A to Item 7.4 on the Agenda for the meeting of The Committee held on 2 July 2019.

Carried

Reports for Council (Chief Executive Officer's Reports)

6. Item 8.1 - Parliament of SA Inquiry into the Recycling Industry Submission [2018/02571] [C]

Moved by Councillor Simms,
Seconded by Councillor Moran -

THAT COUNCIL

1. Endorses the submission prepared by the Administration in response to the Parliament of South Australia Inquiry into the Recycling Industry contained in Attachment A to Item 8.1 on the Agenda for the meeting of the Council held on 16 July 2019.
2. Notes that feedback on the response to the Parliament of South Australia Inquiry into the Recycling Industry must be received by 19 July 2019.

Carried

7. **Item 8.2 - Appointment of Councillors to the Adelaide Central Market Authority Board Member Selection Panel [2015/02959] [C]**

Discussion ensued

The Deputy Lord Mayor (Councillor Abiad) called for nominations to form part of the Board Member Selection Panel for the Adelaide Central Market Authority for the remainder of the 2018-2022 Council term.

Councillor Hyde nominated the Deputy Lord Mayor (Councillor Abiad) who accepted the nomination and Councillor Hou who declined the nomination.

Councillor Abrahamzadeh nominated Councillor Hyde, who accepted the nomination.

Councillor Simms nominated Councillor Donovan, who accepted the nomination.

It was then -

Moved by Councillor Simms,
Seconded by Councillor Abrahamzadeh -

THAT COUNCIL

1. Appoints Councillors Abiad (Deputy Lord Mayor), Donovan and Hyde to form part of the Board Member Selection Panel for the Adelaide Central Market Authority for the remainder of the 2018-2022 Council term.

Carried

Questions on Notice

8. **Item 9.1 – Councillor Moran – Question on Notice – Standing Orders [2018/04053] [C]**

The following Question and Answer were taken as read.

Question

Could the Administration:

1. explain the origin of 259 (259.1, 259.2) within the standing orders and in particular, where it mentions “contrary to public order or morality” and provide its definition;
2. is it included in any other standing orders Local, State or Federal levels of Government?

Reply

1. Standing Order 259 supports the application of regulation 29(1) of the *Local Government (Procedures at Meetings) Regulations 2013* (the Regulations) which states:
29—Interruption of meetings by members
(1) A member of a council or council committee must not, while at a meeting—
(a) behave in an **improper or disorderly** manner; or
(b) cause an interruption or interrupt another member who is speaking.
2. As the Regulations do not include an interpretation (definition) of what is considered improper or disorderly behaviour, the plain meaning rule applies where in the absence of a specific definition being provided in the legislation then the plain, ordinary and literal meaning is applied. The definition incorporated in the Standing Orders was therefore obtained from the Macquarie Dictionary and the definition of the adjective ‘disorderly’ includes the words ‘contrary to public order or morality’. This definition would apply whether incorporated in the Standing Orders or not.
3. The definitions in Standing Order 259.1 and 259.2 were added to the draft Standing Orders in 2016 to assist Members with the interpretation of section 29(1) of the Regulations. We are not aware of the same wording being used in any other Standing Orders, however the same definitions would apply.

The tabled Reply for Item 9.1 is attached for reference at the end of the Minutes of this meeting.

9. **Item 9.2 – Councillor Moran – Question on Notice – Old Le Cornu Site [2018/02324] [C]**

Councillor Moran read the following Question and the Answer was taken as read.

Question

Why is the start date for a physical beginning of development on the old Le Cornu site now 2022 at the earliest?

Reply

1. The indicative timeline of 2022 for the development of Eighty Eight O'Connell Street, consistent with previous communication on the matter, is dependent on reaching an agreement with a proponent and achieving necessary approvals.
2. This timeline takes into account Council's decision making process (negotiation and selection of proponent, agreeing a scheme, contractual documentation, and due diligence processes).
3. In addition, the proponent will be required to present their scheme for development assessment and approval (SCAP) and will be subject to the developer reaching pre-commitment threshold to satisfy financial obligations and to progress with development.
4. Council will be presented with proponents' submissions and associated timelines, which will include anticipated commencement, staging and completion dates.
5. Submissions are currently being assessed and will be presented to Council for consideration in August 2019.

The tabled Reply for Item 9.2 is attached for reference at the end of the Minutes of this meeting.

10. Item 9.3 – Councillor Moran – Question on Notice - Annual Rate Revenue – Le Cornu Site [C]

The following Question and Answer were taken as read.

Question

What was the annual rate revenue over the last 5 years on the 88 O'Connell Street site prior to the Council's acquisition?

Reply

1. The 88 O'Connell Street site incorporates:
 - 1.1. 104-110 Archer Street
 - 1.2. 7-17 & 19-29 Centenary Street
 - 1.3. 62-70, 72-78, 80-86, 88-90, 92-98 & 100 O'Connell Street
 - 1.4. 103-111 Tynte Street
2. Annual rate revenue in the five (5) years prior to settlement on the 13 February 2018 was:
 - 2.1. 2012-2013: \$94,681
 - 2.2. 2013-2014: \$97,293
 - 2.3. 2014-2015: \$112,499
 - 2.4. 2015-2016: \$112,499 (the assessed annual value and rate in the \$ were unchanged from 14-15)
 - 2.5. 2016-2017: \$112,499 (the assessed annual value and rate in the \$ were unchanged from 14-15)
 - 2.6. Total Rates paid: \$529,471

The tabled Reply for Item 9.3 is attached for reference at the end of the Minutes of this meeting.

11. Item 9.4 – Councillor Hyde – Question on Notice – Pollen Management in the City of Adelaide [C]

The following Question and Answer were taken as read.

Question

What, if any, policy for the management of pollen, particularly that caused by Plane Trees does the administration currently have?

Is administration aware of the issues that inadequate pollen management causes, especially for those with allergies and asthmatics and also businesses in the City that have outdoor dining?

Reply

1. There is no policy for the management of pollen particularly caused by Plane Trees.
2. In September 2018 Council adopted the Adelaide Design Manual Greening (Green City Plan) which includes a palette of street trees. This palette was developed over a number of years in consultation with the Botanic Gardens of Adelaide, TreeNet and the Australian Institute Landscape and consideration was given to the usage of tree species linked to allergies.

3. It was determined that increasing species diversity is the key approach to tree selection, which includes limiting or reducing species that have air-borne pollen (such as Ash, Plane, Elm and Oak trees), associated with allergies and triggering asthmatic conditions, and including species such as native trees, which apart from the rare exception, do not cause pollen related allergies. Vegetation can cause allergenic pollen to exacerbate asthma. However, tree planting is also proven to reduce the effects of urban pollution (which includes pollen), which with appropriate species selection, provides more good than harm, can improve air quality and respiratory conditions.
4. As reported to Council at its 15 November 2016 meeting:
 - 4.1. the Australasian Society of Clinical Immunology and Allergy have indicated that asthma may have a number of triggers including:
 - 4.1.1. airborne and environmental irritants such as cold/dry air, industrial and traffic pollutants, smoke, thunderstorms and scents
 - 4.1.2. allergens such as animal allergens, house dust mites, moulds and pollens
 - 4.1.3. dietary triggers
 - 4.1.4. respiratory tract infections
 - 4.1.5. physiological and psychological changes.
 - 4.2. Many of the plants that cause pollen-induced asthma in Australia are introduced species which may be producing pollen concurrently. These plants include:
 - 4.2.1. pasture grasses, for example ryegrass, and other introduced grasses used in lawns such as couch and kikuyu that produce a large amount of pollen that can be blown long distances on the wind
 - 4.2.2. many exotic trees including elms, oaks, ash, willows, poplars, birch and olives etc.
 - 4.2.3. weeds such as Paterson's Curse.
5. There are currently 1,240 Plane trees planted in City streets including North Terrace, King William Street, Frome Road, Grote Street, Grenfell Street and Hutt Street and 475 throughout the Park Lands (including the Squares). This represents the majority of the Plane trees within the City which equates to approximately 4% of all trees (41,262) audited to date.
6. Council invests annually in a variety of tree planting / city greening initiatives. Future tree selection for these projects will be in accord with the Adelaide Design Manual (Green City Plan) tree specie palette approved by Council in September 2018.

The tabled Reply for Item 9.4 is attached for reference at the end of the Minutes of this meeting.

Motions on Notice

12. Item 11.1 – Councillor Abrahamzadeh – Motion on Notice – Safety Measures for Cyclists [2019/00464] [C]

Moved by Councillor Abrahamzadeh,
Seconded by Councillor Simms -

That Council:

- (1) Notes the receipt of a petition to review cyclist safety at the intersection of North Terrace and George Street at the meeting held on 25/06/19;
- (2) Investigates safety measures to improve the safety for cyclists at this intersection.

Discussion ensued

The motion was then put and carried

13. Item 11.2 – Councillor Simms – Motion on Notice – Making Renting Fair [2019/01425] [C]

Moved by Councillor Simms,
Seconded by Councillor Moran -

That Council:

1. Notes that:
 - 58.3 per cent of City of Adelaide residents are renters (Australian Bureau of Statistics 2016 Census)
 - According to the Australian Housing and Urban Research Centre Report on Housing in SA, increasing numbers of South Australians are now living in long term private rental due to the shortage of social and affordable housing
 - The State Government are currently convening a task force to respond to the findings of the report
 - Shelter SA is running a campaign to *Make Renting Fair*, focussed on 3 broad aims:
 - “Landlords and real estate agents should welcome pets;
 - No cause evictions must be abolished; and
 - Resources for tenant education, information, advice and advocacy must be increased”.
2. Endorses the Shelter SA *Make Renting Fair* Campaign by authorising the listing of the City of Adelaide as a supporting organisation on the Shelter SA website.
3. Requests that the Lord Mayor write to the Minister for Human Services Michelle Lensink MLC to advise the State Government of Council’s support for the campaign.
4. Requests that administration hold a public meeting to hear about the experiences of renters in the City of Adelaide and share the findings with the State Government.

Discussion ensued

The motion was then put and lost

Councillor Moran then requested that a division be taken on the motion

Division

For (3):

Councillors Donovan, Moran and Simms.

Against (5):

Councillors Abrahamzadeh, Hou, Hyde, Khera and Knoll.

The division was declared against the motion.

14. Item 11.3 – Councillor Hyde – Motion on Notice - Preventing premature demolition of buildings in the City of Adelaide [2019/00951] [C]

Moved by Councillor Hyde,
Seconded by Councillor Simms -

That Council:

1. Requests the Lord Mayor write to the Minister for Planning as well as the State Planning Commission to:
 - a. Continue discussions about the critical importance of maintaining demolition controls in the planning system within the City of Adelaide.
 - b. Request a review of the development application process to ensure sites are not left vacant unnecessarily, with a focus on preventing existing buildings from being demolished until construction is ready to commence.
 - c. Collaborate with the City of Adelaide on demolition controls for State Heritage Places and Local Heritage Places in the Planning and Design Code.

Discussion ensued

The motion was then put and carried

Councillor Simms then requested that a division be taken on the motion

Division

For (7):

Councillors Abrahamzadeh, Donovan, Hou, Hyde, Moran, Knoll and Simms.

Against (1):

Councillors Khera.

The division was declared in favour of the motion

Exclusion of the Public

15. Item 13.1 – Exclusion of the Public [2018/04291] [C]

For the following report of The Committee seeking consideration in confidence

- 14.1.1.** Recommendations of The Committee in Confidence – 2/7/2019
Recommendation 1 Greening Awards [s 90(3) (a)]

ORDER TO EXCLUDE FOR ITEM 14.1.1:

Discussion ensued

Councillor Donovan disclosed a material conflict of interest in Item 14.1.1, Recommendation 1 [Greening Awards], pursuant to Sections 73 & 74 of the Local Government Act 1999 (SA), on the basis that she is a resident of one of the streets involved in the awards, withdrew her Chair and left the Council Chamber at 7.02pm.

It was then -

Moved by Councillor Simms,
Seconded by Councillor Knoll -

THAT COUNCIL:

1. Having taken into account the relevant consideration contained in s 90(3) (a) and s 90(2) & (7) of the *Local Government Act 1999 (SA)*, this meeting of the Council dated 16/7/2019 resolves that it is necessary and appropriate to act in a meeting closed to the public as the consideration of Item 14.1.1 [Recommendations of The Committee in Confidence – 2/7/2019] listed on the Agenda in a meeting open to the public would on balance be contrary to the public interest.

Grounds and Basis

This Item is confidential as it contains recommendations of award recipients and includes assessment and discussion regarding the merits of proposals from identified individual members or groups from the community.

The early disclosure of these recommendations and discussion may prejudice the judging process and implicate individual members or groups from the community.

2. Pursuant to s 90(2) of the *Local Government Act 1999 (SA)*, this meeting of the Council dated 16/7/2019 orders that the public (with the exception of members of Corporation staff and any person permitted to remain) be excluded from this meeting to enable this meeting to receive, discuss or consider in confidence Item 14.1.1 [Recommendations of The Committee in Confidence – 2/7/2019] listed in the Agenda, on the grounds that such item of business, contains information and matters of a kind referred to in s 90(3) (a) of the Act.

Carried

The public and members of Corporation staff not directly involved with Item 14.1.1 left the Council Chamber at 7.03pm.

Confidential Item 14.1.1

Recommendations of The Committee in Confidence – 2/7/2019

Section 90 (3) (a) of the *Local Government Act (SA) 1999*

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The Council Chamber re-opened to the public at 7.05pm.

Confidentiality Order

Minute 16 - Item 14.1.1 - Recommendations of The Committee in Confidence – 2/7/2019 [C]

Resolution

In accordance with Section 91(7) & (9) of the *Local Government Act 1999 (SA)* and because Item 14.1.1 [Greening Awards] listed on the Agenda for the meeting of Council held on 16 July 2019 was received, discussed and considered in confidence pursuant to Section 90(3) (a) of the *Local Government Act 1999 (SA)*, this meeting of Council do order that:

1. the resolution, the report, the discussion and any other associated information submitted to this meeting and the Minutes of this meeting in relation to the matter remain confidential and not available for public inspection until 31 December 2026;
2. the confidentiality of the matter be reviewed in December 2020;
3. the Chief Executive Officer be delegated the authority to review and revoke all or part of the order herein and directed to present a report containing the Item for which the confidentiality order has been revoked.

Closure

The meeting closed at 7.05pm.

Mark Goldstone,
Chief Executive Officer

Houssam Abiad,
Deputy Lord Mayor.

Documents Attached for Reference

Minute 8 - Item 9.1 - Councillor Moran – Question on Notice – Standing Orders, Tabled Reply

Minute 9 - Item 9.2 - Councillor Moran – Question on Notice – Old Le Cornu Site, Tabled Reply

Minute 10 - Item 9.3 - Councillor Moran – Question on Notice – Annual Rate Revenue – Le Cornu Site, Tabled Reply

Minute 11 - Item 9.4 - Councillor Hyde – Question on Notice – Pollen Management in the City of Adelaide, Tabled Reply

Standing Orders

ITEM 9.1 16/07/2019
Council

Council Member
Councillor Moran

2018/04053
Public

Receiving Officer:
Clare Mockler, Acting Chief
Executive Officer

QUESTION ON NOTICE:

Councillor Moran will ask the following Question on Notice:

'Could the Administration:

1. explain the origin of 259 (259.1, 259.2) within the standing orders and in particular, where it mentions "contrary to public order or morality" and provide its definition;
2. is it included in any other standing orders Local, State or Federal levels of Government?'

REPLY:

1. Standing Order 259 supports the application of regulation 29(1) of the *Local Government (Procedures at Meetings) Regulations 2013* (the Regulations) which states:
29—Interruption of meetings by members
(1) A member of a council or council committee must not, while at a meeting—
(a) behave in an **improper or disorderly** manner; or
(b) cause an interruption or interrupt another member who is speaking.
2. As the Regulations do not include an interpretation (definition) of what is considered improper or disorderly behaviour, the plain meaning rule applies where in the absence of a specific definition being provided in the legislation then the plain, ordinary and literal meaning is applied. The definition incorporated in the Standing Orders was therefore obtained from the Macquarie Dictionary and the definition of the adjective 'disorderly' includes the words 'contrary to public order or morality'. This definition would apply whether incorporated in the Standing Orders or not.
3. The definitions in Standing Order 259.1 and 259.2 were added to the draft Standing Orders in 2016 to assist Members with the interpretation of section 29(1) of the Regulations. We are not aware of the same wording being used in any other Standing Orders, however the same definitions would apply.

- END OF REPORT -

Old Le Cornu Site

ITEM 9.2 16/07/2019
Council

Council Member
Councillor Moran

2018/02324
Public

Receiving Officer:
Clare Mockler, Acting Chief
Executive Officer

QUESTION ON NOTICE:

Councillor Moran will ask the following Question on Notice:

'Why is the start date for a physical beginning of development on the old Le Cornu site now 2022 at the earliest?'

REPLY:

1. The indicative timeline of 2022 for the development of Eighty Eight O'Connell Street, consistent with previous communication on the matter, is dependent on reaching an agreement with a proponent and achieving necessary approvals.
2. This timeline takes into account Council's decision making process (negotiation and selection of proponent, agreeing a scheme, contractual documentation, and due diligence processes).
3. In addition, the proponent will be required to present their scheme for development assessment and approval (SCAP) and will be subject to the developer reaching pre-commitment threshold to satisfy financial obligations and to progress with development.
4. Council will be presented with proponents' submissions and associated timelines, which will include anticipated commencement, staging and completion dates.
5. Submissions are currently being assessed and will be presented to Council for consideration in August 2019.

- END OF REPORT -

Annual Rate Revenue – Le Cornu Site

ITEM 9.3 16/07/2019
Council

Council Member
Councillor Moran

2019/00224
Public

Receiving Officer:
Clare Mockler, Acting Chief
Executive Officer

QUESTION ON NOTICE:

Councillor Moran will ask the following Question on Notice:

'What was the annual rate revenue over the last 5 years on the 88 O'Connell Street site prior to the Councils acquisition?'

REPLY:

1. The 88 O'Connell Street site incorporates:
 - 1.1. 104-110 Archer Street
 - 1.2. 7-17 & 19-29 Centenary Street
 - 1.3. 62-70, 72-78, 80-86, 88-90, 92-98 & 100 O'Connell Street
 - 1.4. 103-111 Tynte Street
2. Annual rate revenue in the five (5) years prior to settlement on the 13 February 2018 was:
 - 2.1. 2012-2013: \$94,681
 - 2.2. 2013-2014: \$97,293
 - 2.3. 2014-2015: \$112,499
 - 2.4. 2015-2016: \$112,499 (the assessed annual value and rate in the \$ were unchanged from 14-15)
 - 2.5. 2016-2017: \$112,499 (the assessed annual value and rate in the \$ were unchanged from 14-15)
 - 2.6. Total Rates paid: \$529,471

- END OF REPORT -

Pollen Management in the City of Adelaide

ITEM 9.4 16/07/2019
Council

Council Member
Councillor Hyde

2018/04236
Public

Receiving Officer:
Clare Mockler, Acting Chief
Executive Officer

QUESTION ON NOTICE:

Councillor Hyde will ask the following Question on Notice:

'What, if any, policy for the management of pollen, particularly that caused by Plane Trees does the administration currently have?

Is administration aware of the issues that inadequate pollen management causes, especially for those with allergies and asthmatics and also businesses in the City that have outdoor dining?'

REPLY:

1. There is no policy for the management of pollen particularly caused by Plane Trees.
2. In September 2018 Council adopted the Adelaide Design Manual Greening (Green City Plan) which includes a palette of street trees. This palette was developed over a number of years in consultation with the Botanic Gardens of Adelaide, TreeNet and the Australian Institute Landscape and consideration was given to the usage of tree species linked to allergies.
3. It was determined that increasing species diversity is the key approach to tree selection, which includes limiting or reducing species that have air-borne pollen (such as Ash, Plane, Elm and Oak trees), associated with allergies and triggering asthmatic conditions, and including species such as native trees, which apart from the rare exception, do not cause pollen related allergies. Vegetation can cause allergenic pollen to exacerbate asthma. However, tree planting is also proven to reduce the effects of urban pollution (which includes pollen), which with appropriate species selection, provides more good than harm, can improve air quality and respiratory conditions.
4. As reported to Council at its 15 November 2016 meeting:
 - 4.1. the Australasian Society of Clinical Immunology and Allergy have indicated that asthma may have a number of triggers including:
 - 4.1.1. airborne and environmental irritants such as cold/dry air, industrial and traffic pollutants, smoke, thunderstorms and scents
 - 4.1.2. allergens such as animal allergens, house dust mites, moulds and pollens
 - 4.1.3. dietary triggers
 - 4.1.4. respiratory tract infections
 - 4.1.5. physiological and psychological changes.
 - 4.2. Many of the plants that cause pollen-induced asthma in Australia are introduced species which may be producing pollen concurrently. These plants include:

- 4.2.1. pasture grasses, for example ryegrass, and other introduced grasses used in lawns such as couch and kikuyu that produce a large amount of pollen that can be blown long distances on the wind
 - 4.2.2. many exotic trees including elms, oaks, ash, willows, poplars, birch and olives etc.
 - 4.2.3. weeds such as Paterson's Curse.
5. There are currently 1,240 Plane trees planted in City streets including North Terrace, King William Street, Frome Road, Grote Street, Grenfell Street and Hutt Street and 475 throughout the Park Lands (including the Squares). This represents the majority of the Plane trees within the City which equates to approximately 4% of all trees (41,262) audited to date.
 6. Council invests annually in a variety of tree planting / city greening initiatives. Future tree selection for these projects will be in accord with the Adelaide Design Manual (Green City Plan) tree specie palette approved by Council in September 2018.

- END OF REPORT -